

REMARKS

Claims 1, 3, 33, 35, 36 and 38-40 and 42-44 have been allowed.

Claim 1 has been amended to clarify that the implantable pump need not be implanted "in a peritoneal cavity." Applicant respectfully submits that this limitation is not material to patentability. Support for this amendment may be found, for example, at FIG. 14 and paragraph [0065] of the published application which states: "This pump 101 can be placed subcutaneously (as shown in FIG. 14) or in any other region suitable for implantation (for instance, the pump 101 of FIG. 15 may be implanted directly within the peritoneal cavity) so long as it can communicate with the external component 116." In fact, in a preferred embodiment of the product, the implantable pump is not implanted within the peritoneal cavity.

Applicant respectfully submits that where the pump is implanted is irrelevant to patentability, rather the inventive aspects of the invention lay in where the inlet and outlet ends of the first and second tubes and pressure sensors are disposed, as recited in the previously-allowed claims.


Claim 38 has been amended to correct an idiomatic error. No new matter is added by amendment.

Also enclosed is an article written by Sort *et al.*, discussing the cost of using albumin in paracentesis.

The fee for a Request for Continued Examination will be paid via EFS-Web. No other fees are believed due at this time. However, please charge any required fees, or credit any overpayments, to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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